

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 12-3849

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IN RE: HECTOR HUERTAS,  
Petitioner

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On a Petition for Writ of Mandamus from the  
United States District Court for the Western District of Pennsylvania  
(Related to W.D. Pa. Civ. No. 10-cv-00010)

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Submitted Pursuant to Rule 21, Fed. R. App. P.  
December 28, 2012  
Before: SCIRICA, HARDIMAN and GREENAWAY, JR., Circuit Judges

(Opinion filed: January 10, 2013)

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OPINION

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PER CURIAM

Pro se petitioner Hector Huertas seeks a writ of mandamus to compel the United States District Court for the Western District of Pennsylvania to rule upon cross-motions for summary judgment in his 42 U.S.C. § 1983 action against the former Secretary of the Pennsylvania Department of Corrections, Jeffrey Beard, and various officials employed at SCI-Albion and SCI-Forest. We will deny the mandamus petition.

Huertas filed a complaint in District Court against the Defendants alleging violations of his procedural due process and Eighth Amendment rights arising from his continued confinement in segregation or restricted housing units in various state correctional institutions. The Defendants moved for summary judgment; in response, Huertas filed a motion for partial summary judgment. The Magistrate Judge recommended that the Defendants' motion be granted and that Huertas's motion be denied. Huertas filed objections to the Report and Recommendation. He then filed this petition for a writ of mandamus, seeking an order to compel the District Court to decide the motions.

On December 6, 2012, the District Court granted the Defendants' motion for summary judgment and denied Huertas's motion for partial summary judgment. In light of the District Court's order, Huertas's petition for a writ of mandamus is now moot. Accordingly, we will deny the petition for a writ of mandamus.